



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 11/4/2020
 ORM Number: NWP-2020-00347
 Associated JDs: NWP-2020-172
 Review Area Location¹: State/Territory: Oregon City: Springfield County/Parish/Borough: Lane
 Center Coordinates of Review Area: Latitude 44.066944° N, Longitude 122.98721° W.

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
NWP-2020-347 Pierce Ditch	3,762 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Pierce Ditch (aka Irving Slough) is a historic natural side channel and perennial water, which has been historically re-aligned, ditched, straightened, and used for agricultural and silvicultural needs of this region in Springfield. The area surrounding the delineated ditch is encompassed with roadways, residential, and commercial development. Stormwater has been routed to the ditch since its most recent re-alignment in 1940 and several outfalls were observed in the delineation of the waterway. The ditch is a tributary which receives

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				waters from these stormwater and drainage inputs and from the McKenzie River, an (a)(1) water of the U.S. The ditch has a gate at the confluence with the McKenzie River to ensure the flows do not overtop the ditch. The ditch has been historically used to bring water to sawmill ponds for fire suppression. During high water events in the winter, some high flows leave the ditch and continue downslope into Wetland C. Flows in Pierce Ditch continue offsite and into the Q Street Canal which flows into Willamette River, an (a)(1) water of the U.S. The GIS map and the National Hydrography Dataset map of the location does show a perennial tributary flowing through the study area location (Irving Slough).

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
NWP-2020-347 Wetland C	0.4	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is located downslope from the Pierce Ditch. A low elevation point by the ditch on the East side of the property has allowed the field to be irrigated from the ditch and the wetland is part of the field which the water moved through. The directional path of water flow in the area is north. Rainfall and some high flows from the ditch continue downslope to the wetland and then north. None of the flows in the wetland are relatively permanent and there is no exchange of flows to move from the wetland to the ditch. No defined channel or other fluvial patterns were observed to show there is a surface connection to other waterways. This delineated wetland is surrounded by roadways,

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			residential, and commercial development. There are signs of directional flow from the ditch to the wetland, but not to off-site locations. An (a)(2) water of the U.S. is located within the review area and the wetland is not flooded by the (a)(2) water in a typical year. The GIS map and the National Hydrography Dataset map of the location does reflect the perennial tributary (Pierce Ditch) flowing through the study area location. No defined channel or waters were observed on aerial photographs from the wetland to other waters of the U.S. to reflect the wetland maintains a hydrologic surface water connection with a relatively permanent waterway downstream or outside of the study area.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: [Marcola Meadows Master Plan, Springfield, Oregon, Wetland and Waters Delineation Report dated August 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [The delineator completed a wetland delineation which followed the U.S. Army Corps of Engineers 1987 wetland delineation manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region to determine the boundaries of the waters within the review area.](#)

- Data sheets prepared by the Corps: [N/A](#)
- Photographs: [Aerial and Other: Google Earth 2018 and Delineation site Photos 24 March 2020.](#)
- Corps site visit(s) conducted on: [N/A](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [NWP-2020-172 AJD dated 19 August 2020.](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [N/A](#)
- USFWS NWI maps: [USFWS Maps, LWI Springfield Maps.](#)
- USGS topographic maps: [1:24K Springfield.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS 8, 10, 12 digit HUC maps	Spring Creek-Willamette River, HUC #170900030601
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.



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B. Typical year assessment(s): The Corps ran the antecedent precipitation tool for the timing of when field data was collected for the wetland delineation (24 March 2020) to determine if the site was reviewed during drier or wetter than normal climatic conditions. The Antecedent Precipitation Tool determined that on the date that field data was collected by the consultant the site was experiencing dry climatic conditions for the time of year and the region overall was in drier than normal conditions. The Corps can conclude circumstances during the delineation of the site were under drier than typical climatic conditions for March 2020.

C. Additional comments to support AJD: N/A